

1 Doris Johnson Hines (*pro hac vice*)  
2 Jeffrey C. Totten (*pro hac vice*)  
3 FINNEGAN, HENDERSON, FARABOW,  
4 GARRETT & DUNNER, LLP  
5 901 New York Avenue, NW  
6 Washington, DC 20001  
7 Telephone: (202) 408-4000  
8 Facsimile: (202) 408-4400

9 Jacob A. Schroeder (SBN 264717)  
10 FINNEGAN, HENDERSON, FARABOW,  
11 GARRETT & DUNNER, LLP  
12 3300 Hillview Avenue  
13 Palo Alto, CA 94304-1203  
14 Telephone: (650) 849-6600  
15 Facsimile: (650) 849-6666

16 *Attorneys for Plaintiff*  
17 X One, Inc.

John P. Bovich (SBN 150688)  
Christine M. Morgan (SBN 169350)  
REED SMITH LLP  
101 Second Street  
Suite 1800  
San Francisco, CA 94105-3659  
Telephone: 415.543.8700  
Facsimile: 415.391.8269

Gerard M. Donovan (*pro hac vice*)  
REED SMITH LLP  
1301 K Street, N.W.  
Suite 1000 – East Tower  
Washington, DC 20005-3317  
Telephone: 202.414.9200  
Facsimile: 202.414.9299

*Counsel for Defendant*  
Uber Technologies, Inc.

12 UNITED STATES DISTRICT COURT  
13  
14 NORTHERN DISTRICT OF CALIFORNIA  
15  
16 SAN JOSE DIVISION

17 X ONE, INC.,

18 Plaintiff,

19 v.

20 UBER TECHNOLOGIES, INC.,

21 Defendant.

CASE NO. 5:16-CV-6050-LHK

**JOINT CLAIM CONSTRUCTION AND  
PREHEARING STATEMENT  
(PATENT L.R. 4-3)**

1 **1. Introduction**

2 Pursuant to Patent L.R. 4-3, X One and Uber submit this Joint Claim Construction and  
3 Prehearing Statement with respect to U.S. Patent Nos. 8,798,593 and 8,798,647.

4 **2. Agreed Claim Constructions (Patent L.R. 4-3(a))**

5 The parties agree that all terms not identified below or included in Joint Claim Construction  
6 Statement chart (Exhibit A) are to be governed by their plain and ordinary meaning.

7 **3. Proposed Constructions of Disputed Terms (Patent L.R. 4-3(b))**

8 The Joint Claim Construction Statement chart attached as Exhibit A presents the parties'  
9 proposed constructions for the terms identified by the parties under Patent Local Rule 4-3(c) and the  
10 remaining disputed terms with intrinsic and extrinsic evidence supporting such constructions. Each  
11 party reserves the right to use evidence identified or relied upon by any other party and to use any  
12 portion of documents identified in the attached charts, not just those portions expressly cited.

13 **4. Identification of Terms for Construction (Patent L.R. 4-3 (c))**

14 Pursuant to Patent Local Rule 4-3(c), the parties identify the following seven terms "whose  
15 construction will be most significant to the resolution of the case"<sup>1</sup>:

16 **'593 Patent:**

- 17 • "account"
- 18 • "a database representing an account for a first individual, the account having an  
19 associated buddy list that identifies multiple users"
- 20 • "buddy list"
- 21 • "last known location"

22 **'647 Patent:**

- 23 • "wherein the provider is selected in connection with the request for the desired  
24 service" / "selecting the provider of the desired service"

---

25 <sup>1</sup> Uber believes that three additional terms are significant to the resolution of the case and  
26 should be briefed. X One disagrees. The parties are submitting a joint administrative motion seeking  
27 clarification on the number of terms for claim construction briefing.  
28

- “is invoked responsive to launching an application” / “are invoked responsive to launching an application” / “in association with an application launched”
- “forming a use-specific group” / “formation of a use-specific group”

With the exception of “account,” and “is invoked responsive to launching an application” / “are invoked responsive to launching an application” / “in association with an application launched”, Uber believes that each of the above terms may be dispositive to the patent in which they appear. X One does not believe that the construction of any of the above terms will be case or claim dispositive.

The parties dispute additional claim terms, included in the Joint Claim Construction Statement chart. The terms above are identified in **bold**. See Exhibit A, attached. Depending on the Court’s decision on the parties’ joint administrative motion seeking clarification on the number of terms for claim construction briefing, the parties’ claim construction briefs will either address only the seven terms above, or will also address the three additional terms identified by Uber in the joint administrative motion. Each party reserves the right to seek construction of any of the remaining disputed terms at a later time if it becomes necessary.

**5. Anticipated Length of Claim Construction Hearing (Patent L.R. 4-3 (d))**

The Court has set the Claim Construction Hearing for August 24, 2017, starting at 1:30 pm. ECF No. 61. As stated in the parties’ Initial Case Management Conference Statement, “The estimated length of the claim construction hearing is 3-4 hours. X One does not believe it will take that long.” ECF No. 37 at 8.

**6. Anticipated Witnesses at the Claim Construction Hearing (Patent L.R. 4-3(e))**

The parties do not anticipate calling witnesses at the Claim Construction Hearing.

**7. Identification of Factual Findings Requested from the Court (Patent L.R. 4-3(f))**

The parties do not anticipate requesting any factual findings from the Court.

1 Dated: May 26, 2017

2 By: /s/ Jacob A. Schroeder  
Jacob A. Schroeder

3 *Attorneys for Plaintiff*  
4 X One, Inc.

5 Dated: May 26, 2017

6 By: /s/ John P. Bovich  
7 John P. Bovich

8 *Attorneys for Defendant*  
9 Uber Technologies, Inc.

10 **ATTESTATION**

11 I, Jacob A. Schroeder, hereby attest that concurrence in the filing of the document has been  
12 obtained from counsel for Uber Technologies, Inc.

13  
14 By: /s/ Jacob A. Schroeder  
15 Jacob A. Schroeder  
16 jacob.schroeder@finnegan.com  
17 FINNEGAN, HENDERSON, FARABOW,  
18 GARRETT & DUNNER, LLP  
3300 Hillview Avenue  
Palo Alto, CA 94304  
Telephone: (650) 849-6600  
Facsimile: (202) 408-4400

19 *Attorneys for Plaintiff*  
20 X One, Inc.